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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,011	07/12/2005	Hisamitsu Ishihara	113197-045	8933
24573 7590 06/19/2007 BELL, BOYD & LLOYD, LLP P.O. Box 1135 CHICAGO, IL 60690				
			EXAMINER CHOI, STEPHEN	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 06/19/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,011

Applicant(s)

ISHIHARA, HISAMITSU

Examiner

Stephen Choi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-211833 (hereafter '833) in view of JP 5146991 (hereafter '991).

'833 discloses the invention substantially as claimed except for blade edges gradually engaging with each other. '991 discloses blade edges gradually engaging with each other. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of '833 to provide the blade edges progressively engaging each other as taught by '991 in order to facilitate cutting of the workpiece. Regarding claim 7, e.g., via 80a of '833. Regarding claims 8-9, the modified device of '833 fails to disclose an adjustable integrated cutter unit. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an adjustable integrated cutter unit as taught by applicant's admitted prior art on the modified device of '833 in order to facilitate adjusting of a cutting assembly relative to another assembly of a system. It is noted that the common knowledge or well-known in the art statement of the previous office action has been taken to be admitted prior art because applicant either failed to

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traverse the examiner's assertion of official notice or that the traverse was inadequate. See MPEP § 2144.03.

3. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over '833 in view of '991 as applied to claims 1-2 above, and further in view of De Torre (US 2003/0079593).

The modified device of '833 discloses the invention substantially as claimed except for a displacement restricting member provided in a central area and in contact with a flank relief. De Torre teaches a displacement restricting member (e.g., 22) in contact with a flank relief (e.g., at 18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a blade with a flank relief wherein a displacement restricting member in contact with the flank relief as taught by De Torre on the modified device of '833 in order to reduce stresses to reduce and to preserve cutting forces.

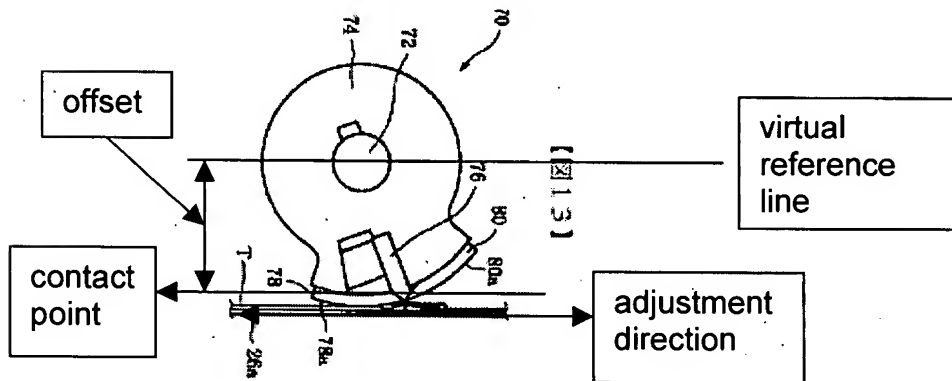
Response to Arguments

4. Applicant's arguments filed April 5, 2007 have been fully considered but they are not persuasive.

Applicant contends that '991 fails to teach "a contact point between the blade edge of the first cutter and a blade edge of the second cutter is disposed at an offset position..." set forth in claim 1 and '833 fails to cure the deficiencies of '991.

The examiner respectfully disagrees. '991 teaches an adjusting screw (e.g., 98) moving back and forward to adjust a location in the moving direction of the workpiece and a contact point between a blade edge of 114 and a blade edge of 76 is disposed at

an offset position deviated behind a rotational direction of the second cutter with respect to a virtual reference line that is parallel with the adjusting direction of the first cutter (see Figure below).



Conclusion

- 5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Choi whose telephone number is 571-272-4504. The examiner can normally be reached on Monday-Thursday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

sc
7 June 2007


STEPHEN CHOI
PRIMARY EXAMINER